



THE MIRVIS LAW FIRM, P.C.

August 1, 2024

VIA ECF

Honorable George B. Daniels
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

SENTENCING MEMORANDUM FOR TEMURJON OLIMJONOV

Re: UNITED STATES v. TEMURJON OLIMJONOV
18-CR-509 (GBD)

Honorable Judge Daniels:

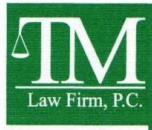
I. INTRODUCTION

This memorandum is submitted on behalf of Temurjon Olimjonov, who is scheduled to be sentenced before Your Honor, on August 7, 2024. It is respectfully requested that Your Honor impose a sentence of time served, followed by a term of supervised release (if possible and restitution. Such a sentence is warranted based on a litany of reasons which are stated in the PSR. (PSR Pgs. 52-53). This sentence would be sufficient but not greater than necessary to serve the purposes of 18 U.S.C. § 3553(a) (hereinafter referred to as “§3553(a)”).

A. Background

i. Procedural History

Temurjon Olimjonov was arrested on September 29, 2023, and charged with conspiracy to commit wire fraud. Mr. Olimjonov has been detained since his arrest. On April 2, 2024, he pled guilty to Count One, conspiracy to commit wire fraud only. The PSR stipulates that the loss amount is between \$95,000 and \$150,000, with an applicable Guideline offense level of 14 and a Criminal History Category I, resulting in an advisory guideline range of 15 to 21 months of imprisonment.

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However, Probation has recommended a variance to 10 months of imprisonment, acknowledging Mr. Olimjonov's status as a first-time offender and his brief involvement in the scheme.

ii. Offense Conduct

Mr. Olimjonov's involvement in the fraudulent scheme was limited to opening bank accounts and incorporating a shell corporation to facilitate the receipt of fraudulent funds. Similar to Mishel Levinski, he was directed by a scheme supervisor on how to handle the funds. Both Levinski and Olimjonov were compensated a mere 5% of the funds processed through their accounts.

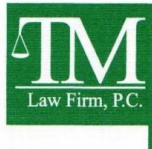
B. Guideline Calculation

The United States Probation Department calculated a Total Offense Level of 14 under the current Sentencing Guidelines, Mr. Olimjonov's advisory sentencing range is 15-21 months of imprisonment. However, the Probation Office recommends a variance to a sentence of time served based on avoiding unwarranted sentencing disparities among similarly situated defendants.

C. History and Characteristics of Temurjon Olimjonov

i. Personal Background

Mr. Olimjonov is 28 years old and a native of Uzbekistan. He immigrated to the United States with his family, seeking better opportunities. He has no prior criminal history and has demonstrated a strong work ethic and commitment to his family. His family members have written letters attesting to his character, his role as a husband, father, supportive brother, and otherwise a positive influence on their lives.

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ii. Family and Community Support

Letters from Mr. Olimjonov's family highlight his dedication and selflessness. He has consistently worked to support his family, taking on significant responsibilities from a young age. His absence has caused substantial hardship for his family, including his two young children. The family members express their reliance on him for emotional and financial support and plead for leniency.

II. Analysis of Sentencing Factors Under § 3553(a)**a. Nature and Circumstances of the Offense**

Mr. Olimjonov's role was minor compared to other conspirators. He did not orchestrate the scheme nor play a central role in its execution. His involvement was limited to a short period, and his actions, while serious, were driven by poor judgment rather than malicious intent.

b. History and Characteristics of the Defendant

Mr. Olimjonov has shown consistent work history and has been a responsible family member. He has expressed remorse for his actions and has demonstrated a commitment to making amends. His strong family ties and lack of prior criminal history suggest that he is unlikely to reoffend.

c. Deterrence and Protection of the Public

The time Mr. Olimjonov has already spent in detention (approximately 10 months) serves as a substantial deterrent to future criminal conduct. Given his lack of prior offenses and strong family ties, it is unlikely that he will reoffend.

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d. Promoting Respect for the Law and Providing Just Punishment

A sentence of time served reflects the seriousness of the offense while taking into account Mr. Olimjonov's specific role and personal circumstances. The recommended variance to 10 months by the Probation Office supports a similar sentence for Mr. Olimjonov to ensure fairness and consistency.

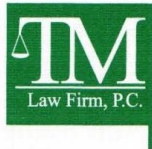
e. Avoiding Unwarranted Sentencing Disparities

Similar to Mishel Levinski, who was rightfully sentenced to time served, Mr. Olimjonov's involvement and compensation in the scheme were comparable. Sentencing Mr. Olimjonov to time served would avoid unwarranted sentencing disparities among similarly situated defendants.

f. Rehabilitation and Future Conduct

Mr. Olimjonov has expressed genuine remorse and is committed to returning to Uzbekistan to rebuild his life and support his family. He plans to engage in productive activities that will contribute positively to his community.

IV. Time Served is An Appropriate Sentence

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i. Conduct

Mr. Olimjonov pled guilty to conspiracy to commit wire fraud, in violation of 18 U.S.C. § 1349. The offense involved a scheme to sell high-value goods, mainly classic cars, online without delivering the items to the purchasers. Mr. Olimjonov's involvement was limited to incorporating a shell corporation and opening bank accounts to facilitate the scheme, which operated for about one month from June to July 2018. He was responsible for losses between \$95,000 and \$150,000 to over ten victims, with actual withdrawals amounting to \$64,800.

ii. Probation Recommendations

The Presentence Report (PSR) calculates a total offense level of 14 and places Mr. Olimjonov in Criminal History Category I, yielding an advisory guideline range of 15 to 21 months of imprisonment . However, the Probation Office has recommended a variance to 10 months of imprisonment, acknowledging Mr. Olimjonov's status as a first-time offender and his brief involvement in the scheme .

iii. Argument for Time Served**a. Nature and Circumstances of the Offense**

Mr. Olimjonov's role was minor compared to other conspirators. He did not orchestrate the scheme, nor did he play a central role in its execution. His involvement was limited to a short period, and his actions, while serious, were driven by poor judgment rather than malicious intent.

b. History and Characteristics of the Defendant

Mr. Olimjonov is 28 years old, a native of Uzbekistan, and has no prior criminal history .He has shown consistent work history and has been a responsible



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family member, supporting his parents and siblings financially. Letters from family members highlight his compassionate character and dedication to his family. He has two minor children, and his absence has caused significant hardship to his family. .

c. Summary and Outline of Letters for Temurjon Olimjonov

1. Mukaddasoy Olimjonova

Cousin (refers to him as a brother), writes about Temurjon's sacrifices for his family over personal ambitions and his positive influence on her education and life choices.

2. Mukumaoy Olimjonova

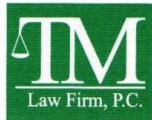
Sister writes about Temurjon's generosity and community service. How he worked hard from a young age and that he is a loving supportive member of his family.

3. Usmonjon Istamov

Brother-in-law (married to Temurjon's cousin), writes about Temurjon helping him at work and in a medical emergency and describes Temurjon's bravery and quick thinking. He discusses Temurjon's profound impact and influence on Usmonjon's life and family.

4. Sukhrob Istamov

Uncle writes about Temurjon's generosity towards less fortunate families. Also writes that Temurjon worked hard to support his family from a young age.



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5. Boburjon Olimjonov

Cousin, writes about examples of Temurjon's charitable actions and selflessness. His dedication to his family and hard work to support them. That his positive influence on his children and extended family .

6. Mukhammadjon Olimjonov

Brother, describes their close bond and Temurjon's sacrifices for the family. His hard work and responsibilities taken on at a young age and his selflessness and support for the family and community

7. Murodjon Kasimov

Brother-in-law writes that Temurjon as a good husband and father.

8. Nigina Kasimova

Wife, writes about their life together, including struggles and support for each other. She Describes Temurjon's love and dedication to their children. She details their move and plans to start a new life in the US. Heartfelt plea for leniency due to the hardship of separation on their family

Each letter emphasizes Temurjon Olimjonov's good character, his dedication to his family, and the significant positive impact he has had on their lives. The writers collectively plea for leniency in his sentencing, highlighting his selflessness, hard work, and remorse for his actions.



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V. Conclusion

In light of Mr. Olimjonov's limited role in the offense, his lack of prior criminal history, his strong family ties, and the hardships already endured through detention, we respectfully request that the Court sentence him to time served. Such a sentence would be sufficient to meet the objectives of sentencing and allow Mr. Olimjonov to return to his family and continue his efforts to be a productive member of society.

Respectfully Submitted,

Tony Mirvis

By: Tony Mirvis, Esq.
Attorney for Temurjon Olimjonov